

A meeting of the New Hampshire Water Well Board ("Board") was held on March 25, 2010 at 9:00 AM, in rooms 112 & 113, 29 Hazen Drive, Concord NH, 03302.

Present were: Jeffrey Tasker, Chairman

Board Members: Steve Guercia, Stephen Smith, Peter Caswell, Thomas Garside and David Wunsch

NHDES Staff: Richard Schofield and Allyson Gourley

Chairman Tasker brought the meeting to order at 9:02 AM.

### **Approval of Minutes**

1/13/2010 Meeting: Upon motion by Mr. Smith, and seconded by Mr. Caswell, the Board unanimously voted to accept the Minutes of the meeting.

### **Complaints**

James Rowley/ All State Builders and Maple View Development, LLC

Mr. Schofield advised the Board that he had received a letter from Scott Bussiere requesting a continuance because he is currently out of the country and not able to attend the meeting.

Upon motion by Mr. Garside, as amended by Mr. Smith and seconded by Mr. Guercia, the Board voted unanimously to grant a continuance of the complaint to the next meeting with the stipulation that no further continuances be granted.

Mr. Rowley stated that correspondence sent by DES was sent to the wrong address, and stated that his correct address is 36 Maple View.

### **Licensing**

Boart Longyear Company Inc.

Mr. Schofield summarized the events that took place prior to the meeting. On February 9, 2010 the Board granted an exemption to Boart Longyear to RSA 482-B:5, the licensing provision, to allow the company to continue working on a production well for the University of New Hampshire and the Town of Durham. Boart Longyear was required to hire a licensed NH water well contractor to provide direct over site during all well construction operations.

The circumstance occurred because the corporation's qualified applicant did not receive notice of the exam date. The notification letter sent by DES was mailed to the company headquarters in

Salt Lake City, Utah. The qualified individual's office is in Ohio and he did not receive the notification.

The Board was concerned that Boart Longyear's applicant could not be directly in charge of the daily well construction operations of the corporation working out of the Ohio office. Mike Ravella, Manager of the Northeast Region, was invited to the meeting to discuss the issue with the Board.

Chairman Tasker invited Michael Ravella and Reidar Bomengen, both representing Boart Longyear, to the table. They told the Board that they work for the northeastern branch of the company out of the office located in Northborough, Massachusetts. Mr. Ravella explained the difficulties the company had experienced recently with staff turnover, which left them temporarily without an employee that holds a NH Water Well License. He went on to address the Board's concern that the out-of-state license holder would not be on-site during the job. He said that the qualified individuals for his company are on the road constantly and are on-site during projects. He also said he has several drillers working out of the Northborough office and he plans to get two or more of them licensed in New Hampshire.

Mr. Ravella told the Board that the Durham Project was completed. The company does not currently have any other projects scheduled in NH.

In order to resolve the miscommunication issue, it was agreed the Board would send correspondence directly to Mr. Ravella in the Northborough, MA office and copy the Corporate Headquarters in Utah. Mr. Ravella will make sure the licensee(s) receive the information.

#### License Applicants

Mr. Mackey informed the Membership that there were no new license applications to review at this time.

#### Budget / Fees

Mr. Schofield updated the Membership regarding the Water Well Board budget. *At the last meeting, the Board discussed the possibility of changing the program fund account to a "dedicated account". Mr. Schofield was instructed to draft a letter requesting the change for the Board's review.* Following the meeting, Mr. Pelletier asked Mr. Schofield to research the matter. Mr. Schofield informed the Board that it would take legislation to change the program's general fund account to a dedicated account. The current budget cannot be split during a biennium and the next biennium would be 2012-2013. Following meetings within DES, it was decided that the department would not support legislation to change the program to a dedicated account at this time.

Mr. Schofield provided account / expense data to substantiate the decision. Additional program expenses associated with dedicated fund accounts were reviewed. He explained to the Membership that the Board must demonstrate that enough revenue can be raised to support the program over a long-term basis. This is essential before the department will consider supporting a change to a dedicated account. He said currently, the department is subsidizing the program to

meet expenses up to 50% and referenced RSA 482-B, which requires that the Water Well Board be self-supporting.

Mr. Garside agreed that these issues need to be worked on as soon as possible. The Membership reviewed a list of proposed fee options prepared by staff which would meet the current program expenses. Other fees were discussed including an occupational license fee, which would augment significant increases in the business license fee needed to meet the budget short fall.

Mr. Schofield stated that an individual occupational license would not only generate more revenue, but it was the right thing to do because it raises the level of professionalism and self-pride. He told the Board that he is a strong proponent for this idea.

The Membership discussed specific issues to be considered if an occupational license was to be implemented including whether or not to grandfather experienced individuals, setting a deadline to meet licensure requirements, and the rulemaking process.

The Board engaged in discussion about requirements in municipalities and in neighboring states. The discussion also included suggestions on how to reduce expenses.

Mr. Schofield discussed the need to schedule a budget subcommittee meeting to start addressing these issues. At the last meeting, members volunteered to be on the subcommittee and had given Mr. Schofield a list of individuals from the water well industry that might be interested. Mr. Schofield informed the Membership that he had contacted Roger Skillings, and Mr. Skillings indicated that he would like to be on the budget subcommittee.

Break at 10:25 am.

Reconvene at 10:35 am.

### **Old Business**

#### **Complaint Registry**

Mr. Schofield updated the Board on progress with the Complaint Registry. He said that a great deal of progress has been made and it is ready to go on the website. He provided computer screen print-outs showing the different Complaint Registry screens and explained how to navigate through the complaint inquiry process.

Mr. Schofield asked the Membership if they wanted to include inactive well contractors. He said currently the Registry only shows active contractors. The Board indicated that they would like inactive contractors included because often times they become active again under a new name.

Upon motion by Mr. Smith, and seconded by Mr. Caswell, the Board voted unanimously to include inactive contractors in the Complaint Registry.

Upon motion by Mr. Smith and seconded by Mr. Caswell, the Board voted unanimously to have the Complaint Registry go live on the DES website.

Private Well Testing (HB 1685)

Mr. Schofield informed the Board that HB 1685 was voted “inexpedient to legislate”, which means the bill is dead. The Associations of home builders and realtors opposed the bill because they were concerned about the effect it would have on home sales.

New BusinessNew Well Log Format

Mr. Schofield presented the new Well Completion Report Form that now includes a description of competent bedrock section (lithology) in addition to the description of surficial materials section in the well log. The goal is to obtain as much subsurface information as possible. David Wunsch said he intends to take some sample photos of applicable samples including wet schist, granite, basalt, and gneiss from throughout the state and make them available on a laminated card to the well contractors. The NHGS also plans to do some out reach to assist water well contractors. Mr. Wunsch also discussed a study being conducted by the University of New Hampshire. The study involves the use of “transducers” mounted on geo-technical drilling equipment to record physical data such as rotation speed, down pressure, pull back pressure, and drilling fluid pressure and flow. These data can be correlated with drilling logs to be able to identify subsurface conditions instantaneously during drilling and to create well logs directly from the data.

Abandoned Wells Proximal to Septic Systems

Mr. Schofield shared an experience he had recently with the Board. He received a call from a licensed well company regarding an existing well that was 30 feet from a leach field. The property was subject to an FHA loan which required that a new well be installed that met all of the current code requirements. The well company was considering bidding on the job, but they wanted to know if the exiting well had to be decommissioned. Mr. Schofield was able to determine that in accordance with FHA requirements, the well was required to be decommissioned.

Mr. Schofield said that the current Water Well Board rules do not require that the existing non-conforming well be decommissioned when a new well is installed to replace it. He suggested that the Board consider changing the rule language during the next rule making process. The Board can establish criteria for determining when a well poses a hazard by threatening to be a source of contamination to groundwater or when a well poses a hazard to citizens of the state.

Records Retention Schedule

Mr. Schofield told the Board that the Drinking Water Bureau is in the process of putting together a records retention schedule for all of the bureaus documents. He suggested that the Water Well Board should also develop a record retention schedule. He contacted Brian Burford, the State Records Manager, about developing a record retention schedule for the Water Well Program.

Mr. Burford suggested the following retention timeframes for the basic three types of documents:

- Enforcement – 25 years
- Consumer Complaints – 25 years
- Well Completion Reports – forever (archival records)

Mr. Mackey asked about a retention time for license applications. Mr. Wunsch mentioned that his program is working on scanning all documents to create a record in the database.

#### Joint Committee on Code Enforcement

Mr. Schofield informed the Board regarding Title XII, Section 153:4-b, which was adopted in 1999. It establishes a joint committee on code enforcement. He wanted to bring this matter to the Board's attention because he just recently became aware of the law. The "Committee" includes the Chairpersons of several Boards and public bodies associated with the building trades including the Water Well Board, and states that *"The joint committee shall meet at least annually to carry out its duties established under this chapter. The committee shall discuss matters of mutual interest in the areas of code administration, inspections, licensing, and certification."*

Mr. Schofield was contacted by Deputy Rob Farley from the State Fire Marshall's Office regarding a recent Committee meeting.

#### Elections

The Membership voted on two Board positions:

Upon motion by Mr. Smith and seconded by Mr. Tasker, the Board unanimously voted to elect Peter Caswell as the new Chairman of the Water Well Board.

Upon motion by Mr. Smith and seconded by Mr. Tasker, the Board unanimously voted to re-elect Rene Pelletier as the Secretary of the Water Well Board.

The meeting was adjourned at 12:15 pm.

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Rene Pelletier  
Water Well Board Secretary